

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MICHAEL ADAM KOZITZKI,

Plaintiff,

v.

Case No. SA-23-CV-1044-JKP

ALL BEXAR COUNTY JUSTICE
CENTER COURT SYSTEMS, et al.,

Defendants.

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**


Before the Court is a *Report and Recommendation of United States Magistrate Judge* (“R&R”) filed November 7, 2023, (ECF No. 7). The Magistrate Judge recommends that the Court dismiss this action for failure to comply with a court order and for failure to raise a non-frivolous claim upon which relief can be granted. By *Order* (ECF No. 3), the Magistrate Judge brought this matter to Plaintiff’s attention and ordered him to file a more definite statement. The Magistrate Judge also warned Plaintiff that failure to comply with the *Order* could result in dismissal of the action under Fed. R. Civ. P. 41(b). As explained in the R&R, Plaintiff has not filed anything in response to the Court’s order. Plaintiff has filed no objection to the R&R, and the time for doing so has expired. Staff notes indicate that when Plaintiff inquired about the status of this case on November 30, 2023, he stated that he had not received either the Court order or the R&R. Copies of those matters were then mailed to him that day. Still, Plaintiff has filed no objection to the R&R.

Any party who seeks review of all or a portion of an R&R must serve and file specific written objections within fourteen days after being served with a copy. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). If a party does not timely object, the District Court may review the

unobjected-to proposed findings and recommendations to determine whether they are clearly erroneous or contrary to law. *Johnson v. Sw. Research Inst.*, 210 F. Supp.3d 863, 864 (W.D. Tex. 2016) (citing *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam)).¹

Consistent with § 636(b)(1)(C) and Rule 72(b)(2), the Court has reviewed the subject R&R for clear error on the face of the record. The Court finds no such error. Accordingly, the Court **ACCEPTS** the Magistrate Judge's recommendation (ECF No. 7). As recommended, the Court **DISMISSES** this action for failure of Plaintiff to file a non-frivolous claim upon which relief can be granted. The Court will issue an appropriate final judgment by separate filing.

IT IS SO ORDERED this 22nd day of January 2024.


JASON PULLIAM
UNITED STATES DISTRICT JUDGE

¹ While Rule 72(b) does not facially require any review in the absence of a specific objection, the advisory committee notes following its adoption in 1983 state: "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Further, failure to object shall also bar appellate review of those portions of the Magistrate Judge's Report and Recommendation that were ultimately accepted by the district court, unless the party demonstrates plain error. *Thomas v. Arn*, 474 U.S. 140, 150-53 (1985); *Wilson*, 864 F.2d at 1221.